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8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12
13 UNITED STATES OF AMERICA,
14 Plaintiff,
15
16 v.
17 SHAREEF HASTINGS, TERRI SCOTT,
18 JACKSON GRANT, AMANDA DE LA
MERCED, and DANIEL ARMSTRONG,
19 Defendants.

Case No. CR 06-0336-SBA

**STIPULATION AND ORDER FOR
CONTINUANCE AND EXCLUSION
OF TIME UNDER THE SPEEDY
TRIAL ACT, 18 U.S.C. § 3161 ET.
SEQ.**

Judge: Hon. Saundra Brown Armstrong

22 **I. INTRODUCTION**

23 On May 30, 2006, defendant Daniel Armstrong appeared before Magistrate Judge
24 Brazil during which a Status/Trial Setting hearing was set for June 13, 2006 before Judge
25 Armstrong in the above-captioned matter. Separately, on May 30, 2006, this Court held a
26 status conference for defendant Shareef Hastings at which time a further status hearing was
27 scheduled for June 27, 2006 before Judge Armstrong. On May 31, 2006, defendant Jackson
28 Grant was arraigned before Magistrate Judge Brazil and a Status/Trial Setting hearing was

1 set for June 27, 2006 before Judge Armstrong. It serves the interests of efficiency and
 2 judicial economy to hold a single Status/Trial Setting hearing for Messrs. Armstrong,
 3 Hastings and Grant, rather than two separate hearings two weeks apart.

4 Moreover, the government has indicated that there is substantial discovery that it will
 5 produce shortly. Mr. Armstrong's counsel would benefit from the opportunity to review
 6 this discovery and continue his investigation prior to a Status/Trial Setting hearing. For
 7 these reasons, Mr. Armstrong requests a continuance of the hearing date until June 27,
 8 2006.

9 **II. STIPULATION**

10 The United States, by its counsel Alicia Fenrick, Esq., and Daniel Armstrong, by his
 11 attorney, Michael E. Liftik, Esq., stipulate as follows:

12 1. That Mr. Armstrong's Status/Trial Setting hearing scheduled for June 13,
 13 2006 at 9:00 a.m., before the Honorable Saundra Brown Armstrong, be vacated.

14 2. That Mr. Armstrong's Status/Trial Setting hearing be held on June 27, 2006 at
 15 9:00 a.m. and concurrently with Mr. Hastings's and Mr. Grant's Status/Trial Setting
 16 hearing.

17 3. That the period between June 13, 2006, and June 27, 2006, shall be
 18 excludable time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) and (B)(iv), on the
 19 grounds that additional time is needed for review of discovery and investigation, and it
 20 serves the interests of judicial economy and efficiency to hold a single Status/Trial Setting
 21 hearing for defendants Armstrong, Hastings, and Grant.

22 4. For the foregoing reasons, the parties stipulate and agree that the ends of
 23 justice served by the continuance requested herein outweigh the best interests of the public
 24 and the defendant in a speedy trial because the failure to grant such a continuance would
 25 deny counsel for the defendant reasonable time necessary for effective preparation.

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1 DATED: June 9, 2006

Respectfully submitted,

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4 HELLER EHRLMAN LLP
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8 By _____ /S/
9 MICHAEL E. LIFTIK
10 Attorneys for Defendant
11 DANIEL ARMSTRONG
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13 By _____
14 ALICIA FENRICK*
15 Assistant United States Attorney
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* I, Michael E. Liftik, attest that Alicia Fenrick has read and approved the STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE AND EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT, 18 U.S.C. § 3161 ET. SEQ. and consents to its filing in this action.

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2 **FINDINGS AND ORDER**
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4 Based on the reasons provided in the stipulation of the parties above, the Court
5 hereby FINDS:
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7 1) The ends of justice served by the granting the continuance requested herein
8 outweigh the best interests of the public and the defendant in a speedy trial.
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10 2) The failure to grant the continuance requested herein would deny counsel for
11 the defendant the reasonable time necessary for effective preparation, taking into account
12 the exercise of due diligence.
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14 3) Granting the continuance requested herein would serve the interests of
15 efficiency and judicial economy so that a single Status/Trial setting hearing can be held at
16 this time.

17 Based on these findings, IT IS HEREBY ORDERED THAT:

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19 1) The hearing set for June 13, 2006, scheduled at 9:00 a.m. before the
20 Honorable Saundra Brown Armstrong be vacated and reset for June 27, 2006 at 9:00 a.m.
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22 2) Time be excluded under the Speedy Trial Act from June 13, 2006 to June 27,
23 2006.
24

25 IT IS SO ORDERED
26

27 DATED: 6/13/06
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29 _____
30 THE HONORABLE SAUNDRA BROWN
31 ARMSTRONG
32 UNITED STATES DISTRICT JUDGE
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